IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Bail Appl..No. 1532 of 2007()

CRIME NO.164/2002 OF THAMARASSERY POLICE STATION.

PETITIONER/ACCUSED NO.3

NOUSHAD P.K., S/O ABOOBACKER,
PARAMPADIKUNNATH HOUSE, PALLICHAL VAYAL,
THALAYOD, KOZHIKODE DISTRICT.

BY ADV. SRI.R.SUDHISH
SRI.VINOD SINGH CHERIYAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. STATION HOUSE OFFICER,
THAMARASSERY POLICE STATION.

BY PUBLIC PROSECUTOR, P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1532 OF 2007 B

Dated this the 14th day of March, 2007

O R D E R

Petitioner, who is the 3rd accused in Crime No.164/02 of Thamarassery Police Station for offences punishable under sections 380 and 457 IPC for allegedly committing theft of a T.V., Voltage Stabilizer and Booster worth Rs.8,000/- from G.M.U.P. School, Chalakkara, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before JFCM-I, Thamarassery in C.C.No.48/04, the case against him was refiled as C.C.No.48/06. The matter was transferred to the Long Pending Register as L.P.No.26/06. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Investigating Officer and seek regular bail. Accordingly, if the petitioner surrenders before the JFCM-I, Thamarassery and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance and after considering the contention that the second accused in the case has been acquitted after trial.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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